

REMARKS

Reexamination and reconsideration of the application as amended are requested. Claims 5, 6, 11, 13 and 17 have been rewritten in independent form.

The examiner's rejection of claims 17 and 18 as being "anticipated", under 35 U.S.C. 102, is respectfully traversed. The examiner rejects these claims as being unpatentable over Leech (US 4,480,166). Claim 18 depends from claim 17.

Claim 17 requires including, before step c), the step of disposing a brazing joining material on the flange and/or the member at the contact of the flange and the member, and requires step d) to include creating a resistance brazing current path through the first tube and the member proximate the contact of the flange. The brazing-like joining material of Leech is the copper (see column 4, lines 36-37) not the zinc which vaporizes (see column 4, lines 51-55). Leech coats the tube with copper and then overcoats with zinc (see column 3, lines 27-36). Thus, Leech does not dispose a brazing joint material (his copper) at the contact of the tube flange and the member as required by applicants' claim 17. The resistance current of Leech is a welding current (see column 3, lines 4-5 and column 4, lines 3-5) which melts the steel and the copper whereafter during cooling the steel solidifies first and then the copper solidifies in a manner similar to brazing (see column 4, lines 31-39). If Leech disclosed using a brazing current, only the lower-melting-temperature copper, and not the higher-melting-temperature steel, would melt. Thus, the resistance current of Leech is not a brazing current as required by applicants' claim 17.

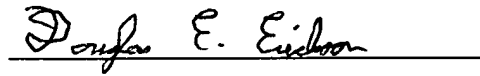
The examiner's rejection of claim 5 as being "obvious", under 35 U.S.C. 103, is respectfully traversed. The Examiner rejects these claims as being unpatentable over Leech (US 4,480,166). Claim 5 requires that the member be a second tube. The examiner argues that the 0.022 inch thick case 12 of Leech is a pipe/tube because it has an opening 26. Applicants respectfully disagree. Putting a hole in a steel sheet does not turn the sheet into a tube. The

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examiner apparently agrees with applicants' position because on line 5 of page 3 of the office action, the examiner states that the second member of Leech is a non-tubular member.

Inasmuch as each of the rejections has been answered by the above remarks and amended claims, it is respectfully requested that the rejections be withdrawn, and that this application be passed to issue.

Respectfully submitted,

A handwritten signature in cursive script, reading "Douglas E. Erickson", is written over a horizontal line.

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